



BULLYING POLICY

Organisational Area

Registered Training Organisation
Community Programs

Authorisation

This policy was reviewed and adopted by the Committee of Governance of the North Ringwood Community House Incorporated on 23rd July 2019.

Review date

This policy will be reviewed every three years or sooner if required.

Scope

This policy applies to all NRCHI Staff, Volunteers, Contractors and patrons

Objective

The purpose of this document is to outline North Ringwood Community House's position on bullying and harassment and to document the process which is to be followed should any grievances arise.

North Ringwood Community House Inc. is fully committed to its obligation to prevent and eliminate bullying and harassment in the workplace. Bullying in the workplace is inappropriate and unacceptable behaviour.

Policy

What is bullying?

Workplace bullying usually refers to the persistent ill treatment of an individual at work by one or more other persons which causes risks to the health, safety and welfare of paid and unpaid staff. If an employee is intimidated, "put down" or humiliated (sometimes in front of others) on a regular basis, this may constitute workplace bullying. It need not involve physical ill treatment, such as punching and kicking. Most cases of bullying involve such treatment as verbal abuse, nit-picking, threats, sarcasm, ostracism, constant criticism, gossip or sabotage of a person's work.

What is NOT bullying?

Reasonable management actions carried out in a fair way are not bullying. For example:

- Setting performance goals, standards and deadlines

- Deciding not to select a worker for promotion
- Informing a worker about unsatisfactory work performance
- Informing a worker about inappropriate behavior
- Implementing organisational changes

All forms of bullying are taken seriously and are unacceptable. North Ringwood Community House Inc. takes bullying very seriously, with a zero tolerance approach to it.

To achieve this goal North Ringwood Community House Inc. will put in place measures that demonstrate that everyone is equally valued and everyone is treated with respect. These measures include the following commitments:

- The elimination of discrimination on the grounds of age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion & belief, sex / gender, sexual orientation
- The right of every person to be onsite without fear of harassment, victimisation or bullying
- The provision of an environment in which all individuals can operate effectively, confidently and competently
- The provision of a safe and healthy environment
- Staff and volunteers modelling behaviours that promote good working and learning
- The allowance of all people to make a positive contribution to the NRCHI and to the wider community.

North Ringwood Community House Inc. strongly encourages any person who feels they have been bullied onsite to take immediate action. If people feel comfortable in doing so, they can raise the issue with the person directly with a view to resolving the issue by discussion. The person should identify the harassing behaviour/s, explain that the behaviour/s is/are unwelcome and offensive and ask for the behaviour/s to stop.

Given the serious nature of bullying, it is recommended that discussions occur in consultation with the CEO.

Any reports of bullying will be treated seriously and promptly with sensitivity. Such reports will be treated as completely confidential but the subject of the complaint must be notified under the rules of natural justice. NRCHI will protect all those involved from victimisation.

Complainants have the right to determine how their complaints are treated, to have support or representation throughout the process, and the option to discontinue a complaint at any stage of the process.

The alleged harasser also has the right to have support or representation during any investigation, as well as the right to respond fully to any formal allegations made. There will be no presumptions of guilt and no determination made until a full investigation has been completed.

Disciplinary action may be taken against anyone who victimises or retaliates against a person who has complained of bullying, or against anyone who has been alleged to be a harasser.

All staff, volunteers and patrons have the right to seek the assistance of the relevant tribunal or legislative body to assist them in the resolution of any concerns.

Grievances and Dispute Resolution

A person who claims they have been bullied and have not been able to resolve the complaint directly with any other involved party should raise the matter with the CEO as a first step towards resolution.

The CEO should:

- Make sure that the complainant feels listened to and supported.
- If more than one person is present, establish the roles of each person.
- Outline the process that will be undertaken.
- Inform the parties that any information obtained in the conduct of the review is confidential.
- Listen to the complainant. Obtain a chronology of events (who, what, why, when, how etc).
- Explain any applicable policies and procedures (e.g. the organisation's bullying policy) to the complainant.
- Ask the complainant the outcome they are hoping for (best case scenario) and then talk them through next steps: e.g. "I will discuss the matter confidentially with the Committee of Governance and the best way to address the issue. I will then report back to you."
- Explain that they cannot be adversely affected because they have made a complaint, and explain they can report matters directly to the Committee of Governance if they feel that they are being adversely affected.
- Provide the complainant with plenty of time to ask questions.
- Offer the complainant assistance (such as counselling through an Employee Assistance Program, the Lifeline service 13 11 14) or a way to get home safely if they are visibly upset.
- Provide the complainant with a direct contact number that they can call if they have any concerns or queries.
- Take accurate and detailed notes of all conversations (including dates, people involved) and attach any supporting documentation.
- If deemed necessary, provide the person with a written summary of the meeting and clarification of the next steps to be taken.

The CEO must ensure that the manner in which the meeting is conducted will be conducive to maintaining positive working relationships, and will provide a fair, objective and independent analysis of the situation.

All parties are to maintain complete confidentiality at all times.

If the matter is not resolved and the person wishes to pursue it, the issue will be discussed with the Committee of Governance. The matter will be discussed openly and objectively with the CEO to ensure it is fully

understood. If the grievance/dispute is one of a confidential or serious nature involving the CEO, the complainant may discuss the issue directly with the Committee of Governance.

Investigating a Grievance or Dispute

Procedural fairness and transparency can make or break a workplace investigation. Maintaining procedural fairness means:

- Protecting the interests of the participants involved in the investigation;
- Enhancing the credibility of the investigation process;
- Relying on the investigation (and findings) when making employment decisions; and
- Defending employment decisions in a court or tribunal.

To ensure that a workplace investigation is procedurally fair. The investigator should ensure that:

- The respondent is aware of all the allegations made against them in sufficient detail;
- The respondent is allowed a reasonable opportunity, including adequate time, to respond to each of the allegations;
- The investigation is carried out in a reasonable time frame;
- All participants are given the opportunity to have a support person in the interviews relating to the investigation;
- All participants are required to maintain confidentiality and sign a confidentiality agreement;
- The investigator has no personal interest or bias in the matter being investigated;
- All participants are given the opportunity to respond to any contradictory evidence;
- The investigator makes reasonable and diligent enquiries to ensure that there is sufficient evidence before making findings on the balance of probabilities.

The Importance of Impartiality

It is critical to ensure that the person responsible for carrying out an investigation is impartial. The investigator must not have a vested interest in the outcome of the matter. Employees will often consider that the CEO is not sufficiently impartial because of their involvement and role in the workplace. If such a concern is raised, it's important to consider:

- Whether the use of an external investigator is necessary to ensure impartiality;
- Whether any conflicts of interest need to be disclosed (e.g. if any individuals are friends outside the workplace); and
- Whether the investigator has handled any previous disciplinary matters.

If there is the possibility that a person's employment will be terminated if the allegations are proven as part of an investigation, the CEO should seriously consider the use of an external investigator to ensure that the investigation and the process followed will stand up in any potential court proceeding.

In the case that a complaint of bullying cannot be dealt with by the CEO or Committee of Governance, the complaint will be escalated to an external agency such as the Victorian Equal Opportunity and Human Rights Commission (1300 292153).

A breach of this policy may result in disciplinary action, up to and including termination of employment, or may include:

- Official warnings that are noted in the respondent's personnel file;
- Disciplinary action against the person who complained if there is strong evidence that the complaint was vexatious or malicious;
- Formal apologies and an undertaking that the behaviour will cease;
- Conciliation/mediation conducted by an impartial third party where the parties to the complaint agree to a mutually acceptable resolution;
- Reimbursing any costs associated with the harassment;
- Re-crediting any leave taken as a result of the harassment.

If there has been any substantiated victimisation, disciplinary procedures will be followed.

Procedures for Dealing with Criminal Conduct

Some forms of bullying (e.g. physical assault, sexual assault, stalking, physical molestation, obscene phone calls) may constitute criminal conduct.

Such complaints should be dealt with by the relevant authorities (such as the police) as part of the criminal justice system.

Related Documents

Complaints & Appeals Policy
Sexual Harassment Policy
Occupational Health and Safety Policy
Equal Employment Policy
Confidentiality Policy

Document Locations

Electronic file folders accessible by NRCH Administration staff



- ❖ *Statement to be signed by Staff, Volunteers, Members and Contractors declaring they have read, understood and will abide by this policy*

Bullying Policy Statement

NAME

Statement

I have read and understand my obligations under the North Ringwood Community House Bullying Policy, and will abide by it.

Signed

Date